

DOCKET FILE COPY ORIGINAL

RECEIVED

JUN 16 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of _____





MM DOCKET NO. 93-115

2. Concord-Carlisle's above-captioned major change application proposes an increase in effective radiated power and a change in station class from Class D to Class A. The calculated 54 dBu contour proposed by Technology Broadcast

that there are no reasonable alternative transmitting sites.

4. The Bureau submits that Concord-Carlisle has provided sufficient justification to support grant of a waiver of Section 73.509 of the Commission's Rules. Specifically, it is significant that grant of the waiver would enable both of the above-captioned applicants to upgrade their facilities to Class A status, a goal which the Commission considers in the public interest. See, e.g., Changes in the Rules Relating to Noncommercial Educational FM Broadcast Stations, 44 RR 2d 235 (1978).

5. The overlap area involved here would encompass approximately 18.4 km, or 18% of the area within the calculated 60 dBu contour of Concord-Carlisle's proposed station. The Bureau has determined, however, that the resulting interference is less than 5% under the method of calculation which employs
~~undisturbed to desired field strength ratios. Such a degree of~~



ruling, which used "undesired-to-desired" field strength ratios, was later changed in Memorandum Opinion and Order in Docket No. 20735, 50 Fed. Reg. 27594 (published July 9, 1985). The new rule, Section 73.509, simply prohibits the 1 mV/m (or 60 dBu) coverage contour of a station to be overlapped by another station's interference contour. When overlap does occur, the overlap is most often roughly twice that which would be calculated using the old interference method based on ratios. For this reason, the Memorandum Opinion and Order, at Par. 56, sought to conform the Bureau's delegated authority to grant waivers, by extending it to situations involving overlaps of 10% or less. The actual amount of interference which the Commission considered in the public interest was not changed, however.

6. Here, the degree of predicted interference is less than was contemplated by the Commission in its Interference Received ruling. Accordingly, the Bureau does not believe that the degree of potential interference is too great, per se, to preclude grant of the requested waiver.

7. For the reasons set forth in the foregoing comments, the Bureau supports acceptance of the amendment proffered by Concord-Carlisle, and grant of the requested waiver of Section 73.509 of the Commission's Rules. Moreover, since grant of the waiver would eliminate the mutual exclusivity between the above-

captioned applications, the Bureau supports grant of the Contingent Motion for Summary Decision, permitting the grant of both applications and termination of the proceeding.

Respectfully submitted,
Roy J. Stewart
Chief, Mass Media Bureau


Charles E. Dziedzic
Chief, Hearing Branch


Y. Paulette Laden
Attorney
Mass Media Bureau

Federal Communications Commission
2025 M Street N.W.
Suite 7212
Washington, D.C. 20554
(202) 632-6402

June 16, 1993

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch Mass Media Bureau, certifies that she has, on this 16th day of June, 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing **"Mass Media Bureau's Comments in Support of Petition for Leave to Amend and Contingent Motion for Summary Decision"** to:

Lawrence M. Miller, Esq.
Schwartz, Woods, & Miller
1350 Connecticut Avenue, N.W., Suite 300
Washington, D.C. 20036-1702

Howard M. Weiss, Esq.
Fletcher, Heald & Hildreth
1300 N. 17th Street
11th Floor
Rosslyn, VA 22209

Michelle C. Mebane
Michelle C. Mebane